

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

DONALD DEAN BIEDERMAN,

Plaintiff,

vs.

ASSISTANT WARDEN DEBORAH
POWELL, KARI ALSTAD, PETER
MOLNAR, and AMBER MASSEY,

Defendants.

CV 18-16–GF-BMM-JTJ

ORDER

Plaintiff Donald Biederman is a prisoner proceeding without counsel. Biederman has filed the following motions: Motion for Injunctive Relief (Doc. 36), Motion to Amend (Doc. 46), Motion to Order Defendants to Produce the Same Discovery in Rule 26 (Doc. 50), Motion in Support of Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction (Doc. 51), Motion to Order Core Civic Policy Manual and MDOC/CoreCivic Contract (Doc. 52), Motion for the Appointment of Counsel (Doc. 58), Motion for Transport to Pretrial Conference and Clothing (Doc. 59), Motion for Subpoenas (Doc. 60), and Motion to Amend Transport Order (Doc. 71). United States Magistrate Judge John Johnston entered Findings and Recommendations (Doc. 74) in this case on January

31, 2019. Judge Johnston recommended that Biederman's Motions for injunctive relief (Docs. 36, 51) be denied as moot. Judge Johnston further ordered that (1) Mr. Biederman's Motion to Amend (Doc. 46) be granted; (2) Mr. Biederman's Motion to Order Defendants to Produce the Same Discovery in Rule 26 (Doc. 50) be denied; (3) Mr. Biederman's Motion to Order Core Civic Policy Manual and MDOC/CoreCivic Contract (Doc. 52) be denied; (4) Mr. Biederman's Motion for the Appointment of Counsel (Doc. 58) be denied; (5) Mr. Biederman's Motion for Transport to Pretrial Conference and Clothing (Doc. 59) be denied; (6) Mr. Biederman's Motion for Subpoenas (Doc. 60) be denied; and (7) Mr. Biederman's Motion to Amend Transport Order (Doc. 71) be denied. (Doc. 74 at 7-8.)

Mr. Biederman timely filed the following two motions for reconsideration regarding two of Judge Johnston's determinations: (1) Judge Johnston's denial of Biederman's Motion to Order Defendants to Produce the same Discovery in Rule 26 (Doc. 50), and (2) Judge Johnston's denial of Biederman's Motion to Order Core Civic Policy Manual and MDOC/CoreCivic Contract (Doc. 52.). These motions are referred to Judge Johnston. (Docs. 82, 83.) Consequently, Biederman has filed no objection to Judge Johnston's findings and recommendations. Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court finds no error in Judge Johnston's

Findings and Recommendations.

ACCORDINGLY, IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 74) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Mr. Biederman's Motions for Injunctive Relief (Docs. 36, 51) are **DENIED AS MOOT**.

DATED this 27th day of February, 2019.



Brian Morris
United States District Court Judge

